

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA

VS.

GREGORY FERNANDEZ

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DOCKET NO. 2:17-mj-127-JHR

**THIRD JOINT MOTION TO EXTEND THE
DEADLINE FOR INDICTMENT AND EXCLUDE TIME
UNDER THE SPEEDY TRIAL ACT**

The United States of America and Gregory Fernandez, through their respective undersigned counsel, hereby move this Honorable Court to extend the deadline for an Indictment in this case by approximately 30 days to October 18, 2017, and to enter an order under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), excluding the time that elapses between September 7, 2017, and October 18, 2017, from all calculations under that act. In support of this Motion, the parties state the following:

The defendant was arrested and made his initial appearance in New Jersey on the criminal complaint herein on June 1, 2017. The defendant was released on conditions after that initial appearance. He then initially appeared here in Maine on June 7, 2017, and was again released thereafter on essentially the same conditions. In the normal course, the United States would have originally presented this matter to the Grand Jury for an Indictment on or before June 30, 2017; however, the parties initiated discussions aimed at potentially arriving at a resolution that would negate the need for an Indictment. As a result of those negotiations, the defendant undertook and continues extensive treatment and counseling for mental health issues, including medication. The continuing treatment and counseling is directly related to the requested extension as it is intended to remediate problems underlying the conduct involved herein, and may also provide insight with

potential charging decisions. The government and the defendant, by and through his attorney, J. Hilary Billings, wish to have the additional requested extension of time to engage in further discussions aimed at obviating the need for Indictment, and potentially resolving the case by agreement.

The interest of justice to be served by the requested exclusion of time outweighs the interest of the defendant and the public in a speedy trial because the parties are initiating discussions aimed at obviating the need for presentation to the Grand Jury and potentially resolving the case by agreement. By the signature of his counsel below, the defendant waives his rights under the Speedy Trial Act for the period of the requested exclusion.

WHEREFORE, the parties respectfully request that the Court enter an Order excluding the period of time between September 7, 2017 and October 18, 2017, from any calculations under the provisions of the Speedy Trial Act.

Dated: September 6, 2017

/s/ Darcie N. McElwee
Assistant United States Attorney

Dated: September 6, 2017

/s/J. Hilary Billings, Esq.
Attorney for Defendant

UNITED STATE DISTRICT COURT
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CERTIFICATE OF SERVICE

I, J. Hilary Billings, hereby certify that I have, this date, caused the within Motion to Extend the Deadline for Indictment and Exclude Time Under the Speedy Trial Act , to be served upon Assistant United States Attorney Darcie McElwee, Esq., by forwarding a copy of this Motion to her electronically via the court's ECF system.

/s/ J. Hilary Billings
J. Hilary Billings, Esq.
Counsel for the Defendant

Dated: September 6, 2017